



PATENT  
Attorney Docket No.: 009103-009740US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

James R. Casciani et al.

Application No.: 10/698,962

Filed: October 30, 2003

For: PULSE OXIMETER AND SENSOR  
OPTIMIZED FOR LOW SATURATION

Examiner: M. Kremer

Art Unit: 3736

SUPPLEMENTAL INFORMATION  
DISCLOSURE STATEMENT UNDER 37  
CFR §1.97 and §1.98

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the foreign patent and non-patent references are enclosed.

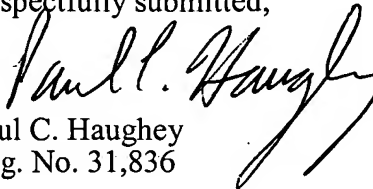
It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR §1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

This IDS is being filed before the mailing date of the final Office Action or Notice of Allowance.

Please charge the IDS fee of \$180 to Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,

  
Paul C. Haughey  
Reg. No. 31,836

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PCH:rnk



PTO/SB/08A (08-03)

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 2

**Complete if Known**

|                        |                   |
|------------------------|-------------------|
| Application Number     | 10/698,962        |
| Filing Date            | October 30, 2003  |
| First Named Inventor   | James R. Casciani |
| Art Unit               | 3736              |
| Examiner Name          | M. Kremer         |
| Attorney Docket Number | 009103-009740US   |

**U.S. PATENT DOCUMENTS+**

| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Document Number                          | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|-----------------------|--------------------------|--|--------------------------------|--|---|
|                       |                          | Number Kind Code <sup>2</sup> (if known) |                                |  |   |
|                       | 1                        | US-5,253,646                             | 10-19-1993                     | Delpy et.al.                                       |   |
|                       | 2                        | US-4,407,290                             | 10-04-1983                     | Wilber   |   |
|                       | 3                        | US-4,281,645                             | 08-04-1981                     | Jobsis   |   |

**FOREIGN PATENT DOCUMENTS**

| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Foreign Patent Document   |                     |                                   | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited<br>Document | Pages, Columns,<br>Lines, Where Relevant<br>Passages or Relevant<br>Figures Appear | T <sup>6</sup>           |
|-----------------------|--------------------------|---------------------------|---------------------|-----------------------------------|--------------------------------|---|--|--------------------------|
|                       |                          | Country Code <sup>3</sup> | Number <sup>4</sup> | Kind Code <sup>5</sup> (if known) |                                |   |  |                          |
|                       | 4                        | PCT                       | WO91/18549          |                                   | 12-12-1991                     | Yue et al.  |  | <input type="checkbox"/> |
|                       | 5                        | JP                        | 03-068336           |                                   | 03-25-1991                     | Hamamatsu Photonics                                   |  | abstract<br>only         |

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Kind Codes of U.S. Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

60314413 v1

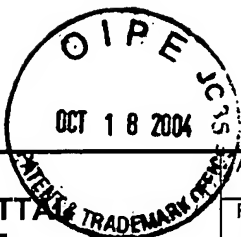
|   |   |    |   |                               |                   |
|---|---|----|---|-------------------------------|-------------------|
| Substitute for form 1449B/PTO<br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br><i>(use as many sheets as necessary)</i> |   |    |   | <b>Complete if Known</b>      |                   |
|   |   |    |   | <i>Application Number</i>     | 10/698,962        |
|   |   |    |   | <i>Filing Date</i>            | October 30, 2003  |
|   |   |    |   | <i>First Named Inventor</i>   | James R. Casciani |
|   |   |    |   | <i>Art Unit</i>               | 3736              |
|   |   |    |   | <i>Examiner Name</i>          | M. Kremer         |
| Sheet   | 2 | of | 2 | <i>Attorney Docket Number</i> | 009103-009740US   |

| NON PATENT LITERATURE DOCUMENTS |                          |   |                |
|---------------------------------|--------------------------|---|----------------|
| Examiner<br>Initials *          | Cite<br>No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>2</sup> |
|                                 | 6                        | "Equipment, Monitoring, and Engineering Technology IV," abstracts published in Anesthesiology 71:A366-A373 (Sep. 1989).   |                |
|                                 |                          |   |                |

|                       |  |                    |  |
|-----------------------|--|--------------------|--|
| Examiner<br>Signature |  | Date<br>Considered |  |
|-----------------------|--|--------------------|--|

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.



1FW

PTO/SB/21 (04-04)

|  |                        |                   |
|--|------------------------|-------------------|
| <b>TRANSMITTAL FORM</b><br><small>(to be used for all correspondence after initial filing)</small> | Application Number     | 10/698,962        |
|  | Filing Date            | October 30, 2003  |
|  | First Named Inventor   | James R. Casciani |
|  | Art Unit               | 3736              |
|  | Examiner Name          | M. Kremer         |
| Total Number of Pages in This Submission   | Attorney Docket Number | 009103-009740US   |

| ENCLOSURES (Check all that apply)   |   |  |         |  |
|---|---|--|---------|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Technology Center (TC)<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>USPTO forms SB08A & SB08B (two pages),<br>copies of 2 cited foreign patents and 1 non-patent reference, Return Postcard |         |  |
| <table border="1"><tr><td>Remarks</td><td>The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.</td></tr></table>  |   |  | Remarks | The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430. |
| Remarks   | The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.  |  |         |  |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |                                    |                 |
|--|------------------------------------|-----------------|
| Firm or individual name                    | Townsend and Townsend and Crew LLP |                 |
|  | Paul C. Haughey                    | Reg. No. 31,836 |
| Signature                                  |                                    |                 |
| Date                                       | 10-12-04                           |                 |

| CERTIFICATE OF TRANSMISSION/MAILING   |              |      |          |
|---|--------------|------|----------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. |              |      |          |
| Typed or printed name   | Roger Hylton |      |          |
| Signature   |              | Date | 10/13/04 |

# FEE TRANSMITTAL

## for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.101.

TOTAL AMOUNT OF PAYMENT (\$)

180

## Complete if Known

|                      |                   |
|----------------------|-------------------|
| Application Number   | 10/698,962        |
| Filing Date          | October 30, 2003  |
| First Named Inventor | James R. Casciani |
| Examiner Name        | M. Kremer         |
| Art Unit             | 3736              |
| Attorney Docket No.  | 009103-009740US   |

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number

20-1430

Deposit Account Name

Townsend and Townsend and Crew LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

| Large Entity |          | Small Entity |          | Fee Description        | Fee Paid |
|--------------|----------|--------------|----------|------------------------|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |                        |          |
| 1001         | 790      | 2001         | 395      | Utility filing fee     |          |
| 1002         | 350      | 2002         | 175      | Design filing fee      |          |
| 1003         | 550      | 2003         | 275      | Plant filing fee       |          |
| 1004         | 790      | 2004         | 395      | Reissue filing fee     |          |
| 1005         | 160      | 2005         | 80       | Provisional filing fee |          |

SUBTOTAL (1)

(\$)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims       |  | Extra Claims |  | Fee from below |  | Fee Paid |
|--------------------|--|--------------|--|----------------|--|----------|
|                    |  |              |  |                |  |          |
| Independent Claims |  | ** =         |  | X              |  |          |
| Multiple Dependent |  | ** =         |  | X              |  |          |

| Large Entity |          | Small Entity |          | Fee Description  |
|--------------|----------|--------------|----------|--|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |
| 1202         | 18       | 2202         | 9        | Claims in excess of 20                                     |
| 1201         | 88       | 2201         | 44       | Independent claims in excess of 3                          |
| 1203         | 300      | 2203         | 150      | Multiple dependent claim, if not paid                      |
| 1204         | 88       | 2204         | 44       | ** Reissue independent claims over original patent         |
| 1205         | 18       | 2205         | 9        | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2)

(\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

| Large Entity |          | Small Entity |          | Fee Description  | Fee Paid |
|--------------|----------|--------------|----------|--|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |          |
| 1051         | 130      | 2051         | 65       | Surcharge - late filing fee or oath  |          |
| 1052         | 50       | 2052         | 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053         | 130      | 1053         | 130      | Non-English specification  |          |
| 1812         | 2,520    | 1812         | 2,520    | For filing a request for <i>ex parte</i> reexamination                     |          |
| 1804         | 920*     | 1804         | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805         | 1,840*   | 1805         | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251         | 110      | 2251         | 55       | Extension for reply within first month                                     |          |
| 1252         | 430      | 2252         | 215      | Extension for reply within second month                                    |          |
| 1253         | 980      | 2253         | 490      | Extension for reply within third month                                     |          |
| 1254         | 1,530    | 2254         | 765      | Extension for reply within fourth month                                    |          |
| 1255         | 2,080    | 2255         | 1,040    | Extension for reply within fifth month                                     |          |
| 1401         | 340      | 2401         | 170      | Notice of Appeal   |          |
| 1402         | 340      | 2402         | 170      | Filing a brief in support of an appeal                                     |          |
| 1403         | 300      | 2403         | 150      | Request for oral hearing   |          |
| 1451         | 1,510    | 1451         | 1,510    | Petition to institute a public use proceeding                              |          |
| 1452         | 110      | 2452         | 55       | Petition to revive - unavoidable   |          |
| 1453         | 1,330    | 2453         | 665      | Petition to revive - unintentional   |          |
| 1501         | 1,370    | 2501         | 685      | Utility issue fee (or reissue)   |          |
| 1502         | 490      | 2502         | 245      | Design issue fee   |          |
| 1503         | 660      | 2503         | 330      | Plant issue fee  |          |
| 1460         | 130      | 1460         | 130      | Petitions to the Commissioner  |          |
| 1807         | 50       | 1807         | 50       | Processing fee under 37 CFR 1.17(q)  |          |
| 1806         | 180      | 1806         | 180      | Submission of Information Disclosure Stmt                                  | 180      |
| 8021         | 40       | 8021         | 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809         | 790      | 2809         | 395      | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 1810         | 790      | 2810         | 395      | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 1801         | 790      | 2801         | 395      | Request for Continued Examination (RCE)                                    |          |
| 1802         | 900      | 1802         | 900      | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid SUBTOTAL (3)


(\$180)

## SUBMITTED BY

## Complete (if applicable)

|                   |                 |                                   |        |           |              |
|-------------------|-----------------|-----------------------------------|--------|-----------|--------------|
| Name (Print/Type) | Paul C. Haughey | Registration No. (Attorney/Agent) | 31,836 | Telephone | 650-326-2400 |
|-------------------|-----------------|-----------------------------------|--------|-----------|--------------|

Signature



Date

10-12-04

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.